

Exhibit “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CARMEN AVILA

Plaintiff(s)

Index # 1671250/2021

Docket Number: 1207046

- against -

EMPIRE INTERNATIONAL, LTD. AND CENTRON APOLONIO

Defendant(s)

Notice Pursuant
to Section 253
of the Vehicle
& Traffic Law
of the State of New York

Please take notice that a copy of the within summons and complaint along with the statutory fee of \$10 was served upon the Secretary of State of New York pursuant to Section 253 of the Vehicle and Traffic Law on January 4, 2022 at THE OFFICE OF THE SECRETARY OF STATE 99 WASHINGTON AVE ALBANY, NY 12231.

Dated January 5, 2022

New York, New York

YAKOV MUSHIYEV & ASSOCIATES,
P.C.
ONE CROSS ISLAND PLAZA, SUITE
325
ROSEDALE, NY 11422
Tel: 718-775-3110

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: 161250/2021

Date of Purchase: 12/16/2021

Plaintiff(s) designate(s)

NEW YORK

County as the place of trial

CARMEN AVILA,

Plaintiff,

The basis of venue is

Plaintiff's Residence

-against-

SUMMONS

EMPIRE INTERNATIONAL, LTD and
CENTRON APOLONIO,

Plaintiff resides at:

80 Columbia Street, Apt#8D

New York, NY 10002

Defendant(s).

County of NEW YORK

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TO THE ABOVE NAMED DEFENDANT(S)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Rosedale, New York
December 15, 2021

Yours, etc.

YAKOV MUSHIYEV & ASSOCIATES P.C.


YAKOV MUSHIYEV, ESQ

Attorney for Plaintiff

One Cross Island Plaza, Suite 325

Rosedale, NY 11422

(718) 775-3110

DEFENDANTS ADDRESSES:

EMPIRE INTERNATIONAL, LTD
225 Meadowlands Parkway
Secaucus, NJ 07094

CENTRON APOLONIO
60 Hollywood Avenue
Clifton, NJ 07014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CARMEN AVILA,

Plaintiff,

-against-

EMPIRE INTERNATIONAL, LTD and
CENTRON APOLONIO,

Defendant(s).

Index No.: 161250/2021

VERIFIED COMPLAINT

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Plaintiffs appearing by and through their attorney **YAKOV MUSHIYEV &**

ASSOCIATES P.C., sets forth and alleges as follows:

1. That at all times hereinafter mentioned, Plaintiff CARMEN AVILA was and still is a resident of the County of New York, City and State of New York.
2. That at all times hereinafter mentioned, Plaintiff CARMEN AVILA was lawfully an operator of a vehicle bearing New York Registration number T700604C.
3. That 24th Street and 9th Avenue were and are public highways and roads in the, County of New York, City and State of New York.
4. That on the 5th day of June, 2021 The Defendants motor vehicles hit and struck the Plaintiff's motor vehicle causing the Plaintiff to suffer serious personal injuries hereinafter alleged.
5. That at all times hereinafter mentioned, and upon information and belief, the defendant, EMPIRE INTERNATIONAL, LTD, was a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New Jersey.

6. That at all times hereinafter mentioned, and upon information and belief, the defendant, EMPIRE INTERNATIONAL, LTD, was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New Jersey.

7. That at all times hereinafter mentioned, and upon information and belief, the defendant, EMPIRE INTERNATIONAL, LTD, was and still is a foreign corporation organized and existing under and by virtue of the laws of the State of New Jersey.

8. That at all times hereinafter mentioned, and upon information and belief, the defendant, EMPIRE INTERNATIONAL, LTD, was a company organized and existing under and by virtue of the laws of the State of New Jersey.

9. That at all times hereinafter mentioned, and upon information and belief, the defendant, EMPIRE INTERNATIONAL, LTD, maintained a principal place of business in the State of New Jersey.

10. That at all times hereinafter alleged, and upon information and belief, the defendant EMPIRE INTERNATIONAL, LTD, owned a motor vehicle bearing New Jersey registration number OL6612K.

11. That at all times hereinafter alleged, and upon information and belief, the defendant EMPIRE INTERNATIONAL, LTD, maintained a motor vehicle bearing New Jersey registration number OL6612K.

12. That at all times hereinafter alleged, and upon information and belief, the defendant EMPIRE INTERNATIONAL, LTD, managed a motor vehicle bearing New Jersey registration number OL6612K.

13. That at all times hereinafter alleged, and upon information and belief, the defendant EMPIRE INTERNATIONAL, LTD, controlled a motor vehicle bearing New Jersey registration number OL6612K.

14. That at all times hereinafter alleged, and upon information and belief, the defendant CENTRON APOLONIO, operated a motor vehicle bearing New Jersey registration number OL6612K.

15. That at all times hereinafter alleged, and upon information and belief, the defendant CENTRON APOLONIO, maintained a motor vehicle bearing New Jersey registration number OL6612K.

16. That at all times hereinafter alleged, and upon information and belief, the defendant CENTRON APOLONIO, managed a motor vehicle bearing New Jersey registration number OL6612K.

17. That at all times hereinafter alleged, and upon information and belief, the defendant CENTRON APOLONIO, controlled a motor vehicle bearing New Jersey registration number OL6612K.

18. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, operated a motor vehicle bearing New Jersey registration number OL6612K with the knowledge, permission and consent of defendant EMPIRE INTERNATIONAL, LTD.

19. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, maintained a motor vehicle bearing New Jersey registration number OL6612K with the knowledge, permission and consent of defendant EMPIRE INTERNATIONAL, LTD.

20. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, managed a motor vehicle bearing New Jersey registration number OL6612K with the knowledge, permission and consent of defendant EMPIRE INTERNATIONAL, LTD.

21. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, controlled a motor vehicle bearing New Jersey registration number OL6612K with the knowledge, permission and consent of defendant EMPIRE INTERNATIONAL, LTD.

22. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, was an employee of EMPIRE INTERNATIONAL, LTD.

23. That at all times hereinafter alleged, and upon information and belief, the defendant, CENTRON APOLONIO, was in the course of his employment.

24. That at all of the times hereinafter mentioned, 24th Street and 9th Avenue, County of New York, City and State of New York, was and still is a public highway/road used extensively by the public in general.

25. That the aforesaid accident and injuries resulting therefrom were due solely and wholly as a result of the careless and negligent manner in which the defendant owned, operated, maintained, managed and controlled his motor vehicle without this plaintiff in any way contributing hereto.

26. That the contact occurred as a result of the negligent, careless and reckless conduct of the Defendants in ownership, operation, maintenance, management and control of their vehicles, causing personal injuries hereinafter alleged.

27. That by reason of the foregoing and the negligence of the defendant, the plaintiff CARMEN AVILA, was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

28. That by reason of the foregoing, the plaintiff, CARMEN AVILA, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefore for medicines and upon information and belief, the plaintiff, CARMEN AVILA, will necessarily incur similar expenses.

29. That by reason of the foregoing, the plaintiff, CARMEN AVILA, has been unable to attend to his usual occupation in the manner required.

30. That by reason of the wrongful, negligent and unlawful actions of the defendant, as aforesaid, the plaintiff, CARMEN AVILA sustained serious injuries as defined in Section 5102(d) of the Insurance Law of The State of New York and has sustained economic loss greater than basic economic loss as defined in Section 5102 of the said Insurance Law.

31. That one or more of the exceptions of §1602 of the Civil Practice Law and Rules apply to the within action.

32. That the said injuries sustained by the Plaintiff's were caused solely by the negligence of the Defendants and without any negligence on the part of the Plaintiff.

33. That by reason of foregoing, Plaintiff was rendered sick, sore, lame and disabled and suffered painful and permanent injuries to various parts of their persons with accompanying pain; that they continue to be sick, sore, lame and disabled for a long time to come and were required to receive hospital and medical treatment and attention for their injuries and were unable to continue to perform the usual pursuits and activities all to their damage.

34. That as a result of the foregoing, the Plaintiff's has sustained serious injuries as defined in §5102 subdivision D of the Insurance Law of the State of New York in that they have suffered a fracture and/or a significant disfigurement; a permanent loss of use of a body organ or a member, function and/or a significant limitation of use of a body function and/or system and/or medically determined injury or impairment of non-permanent nature which prevents them from performing substantially of the material acts which constitutes the usual and customary daily activities for not less than ninety (90) days during the one hundred eighty (180) days immediately following the occurrences of the injury or impairment.

35. That as a result of the foregoing, the plaintiff, CARMEN AVILA, was damaged in an amount exceeds the jurisdictional limits of the lower courts.

AS AND FOR A SECOND CAUSE OF ACTION

36. Plaintiff CARMEN AVILA repeats and realleges each and every allegation contained in paragraphs 1 through 35 inclusive, with the same force and effect as though more fully set forth at length herein.

37. That the defendant, EMPIRE INTERNATIONAL, LTD, herein knew, or should have known, that the agent, servant and/or employee was unfit for the employment for which he was hired.

38. That the defendant, EMPIRE INTERNATIONAL, LTD, was negligent in the hiring, supervision and training of defendant CENTRON APOLONIO, and supervision of the aforesaid agent, servant and/or employee.

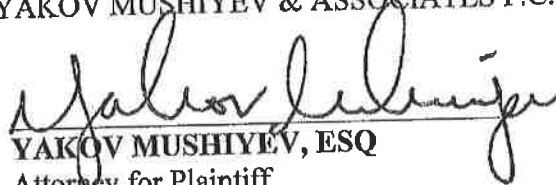
39. That as a result of the foregoing, the plaintiff CARMEN AVILA, was damaged in an amount which exceeds the jurisdictional limits of the lower courts.

WHEREFORE, Plaintiffs demand judgment against the defendants on each cause of action in the amount that exceeds the jurisdictional limits of the lower courts, all together with cost and disbursements of this action.

Dated: Rosedale, NY
December 15, 2021

Yours, etc.

YAKOV MUSHIYEV & ASSOCIATES P.C.



YAKOV MUSHIYEV, ESQ

Attorney for Plaintiff

One Cross Island Plaza, Suite 325

Rosedale, NY 11422

(718) 775-3110

ATTORNEY VERIFICATION

YAKOV MUSHIYEV, ESQ. an attorney duly licensed to practice to law in the Courts of New York, under penalties of perjury, affirms the following to be true:

That I am counsel for Plaintiff(s): CARMEN AVILA
That I have reviewed the foregoing Complaint

That the same is true and correct to the best of my own knowledge based upon client conferences and based upon the file maintained by me.

That the reason this verification is made by me and not by my client is that client resides in a county other than where my office is situated.

Dated: Rosedale, New York
December 15 2021


YAKOV MUSHIYEV ESQ.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
CARMEN AVILA

Plaintiff/Petitioner,

- against -

EMPIRE INTERNATIONAL, LTD and CENTRON
APOLONIO,

Index No. 161250 / 2021

Defendant/Respondent.
-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: 12/16/2021

YAKOV MUSHIYEV

Name

Yakov Mushlyev & Associates, P.C.

Firm Name

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718-775-3110

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To: _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CARMEN AVILA,

Plaintiff,

-against-

EMPIRE INTERNATIONAL, LTD and
CENTRON APOLONIO,

Defendant(s).

SUMMONS and VERIFIED COMPLAINT

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